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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,502	08/01/2005	Thomas Dörner	54651/DBP/M521	4395

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EXAMINER

CROWE, DAVID R

ART UNIT	PAPER NUMBER
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2112

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/528,502

Applicant(s)

DORNER, THOMAS

Examiner

David R. Crowe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/18/05 and 5/19/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "upper cylindrical housing part" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "translucent cover element" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "7" and "9" have both been used to designate ribs.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "1" has been used to designate both spotlight housing and lower spot light housing. The lower housing is considered a new part because the housing is claimed to have distinguishable upper and lower parts.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "7" has been used to designate both ventilation ducts and ribs.
6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "94 and 96" have been used to designate both bent air

guides and air guides. Items 93 and 95 are the air guides and are separated on page 6 line 31 to differentiate the bent extensions from the continuous fin extensions.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

7. Claims 1,2,5, 8, 10 are objected to because of the following informalities:

Typographical errors.

8. For the record the examiner has examined the claims with the numbers omitted. Providing a range of items for a claim to a singular structure became confusing.

9. Claim 1: Apertures should be singular because the claim is directed toward a single ventilation shaft.
10. Claim 2: Remove "so that" from line 10 as it is improper English.
11. Claim 5: Item numbers do not positively claim said item. Therefore the claim is not limited to the bottom face as suggested.
12. Claim 8: Remove "one of" from the first line.
13. Claim 10: Add back "to" from the first line.
14. The above list is not guaranteed to be exhaustive. Please further review the claims for typographical errors and lapses in translation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

15. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

16. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
17. The term "substantially" in claims 1, 2, 3, 5, and 8 is a relative term, which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

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18. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: The relationship between the air guide section and their parts. As claimed each section must contain each part as opposed to the sections being structurally different.

19. Claims 2,3,5,9, and 10 recite the limitation "the ventilation shafts" or "the [front, back, side] shaft and the [font, back, side] shaft". There is insufficient antecedent basis for this limitation in the claim. The independent first claim calls for "a ventilation shaft...on at least one housing wall." Therefore each claim directed at a specific shaft should be introduced as a new item and not only as the prior claimed shaft from claim 1.

20. Claim 12 recites the limitation "light source socket" in line five. There is insufficient antecedent basis for this limitation in the claim. This limitation must be preceded by "a" in order to introduce the socket as a new element not found in claim one or eleven.

21. Claims 4, 6, 7, and 11 are rejected based on dependence to a rejected claim.

Claim Rejections - 35 USC § 102

22. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

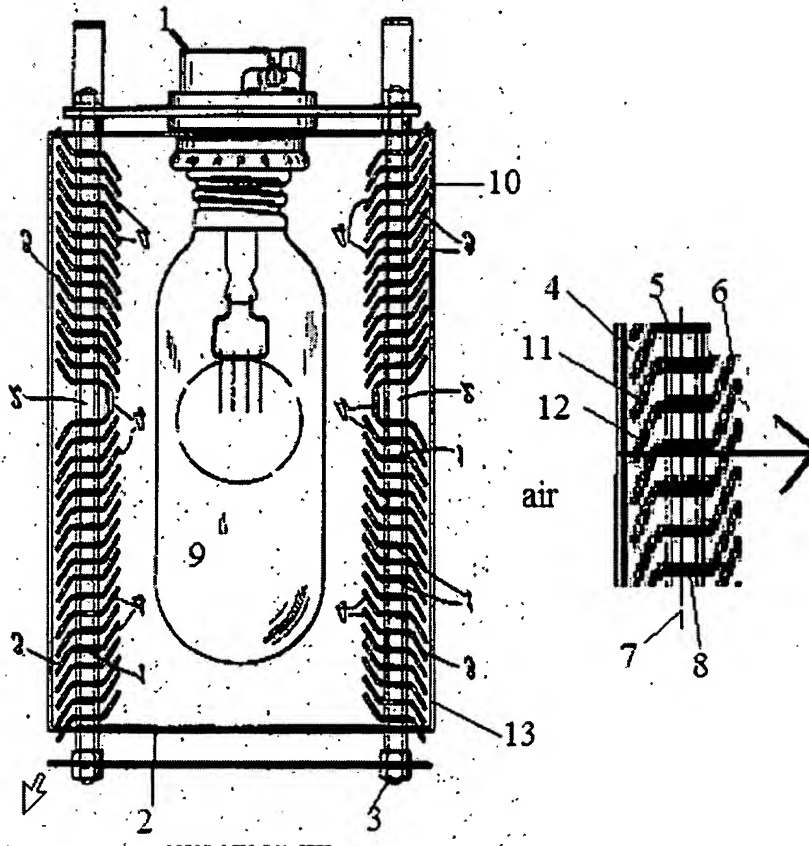
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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23. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by McCormack (US 1758290).

24. Claim 1: McCormack anticipates (see below) a spotlight for cinema with a light source [9], a housing with square lower part [2], cylindrical upper part [1], a transparent cover [inherent to receiving light from the source] a ventilation shaft [10] with ventilation ducts [11] mounted on housing wall [3] separated by ribs [12] with first rib section [4] and a second rib section [5] bent relative to [4] and adjoins outlet aperture [plane 7]. The ribs further comprising guide sections [6 and 8] where part [6] is bent more relative to second rib section [5] and part [8] aligns with section [5].



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26. Claim 2: McCormack anticipates the ventilation shafts being on the front and back walls [column 1, line 12] and would hold the same configuration as shown above. As best understood the lowest rib [12] has air guide section [8] being horizontal and air guide bending becoming more pronounced as you move away to the from the bottom to the point in the center where the guides are horizontal and then flip direction. Being more pronounced is read to include changes in magnitude, which includes angles of bending through 360 degrees.

27. Claim 3: McCormack anticipates ventilation shafts [10] on the sidewalls where the upper rib has an air guide section [8] that is aligned flush to the second rib section [5]. The upper rib also contains a bent section but this is not restricted by the claim. As best understood because first rib sections [4] are parallel to each other and to air guide sections [6], it can be assumed that an inlet aperture is perpendicular to the inlet guides and therefore also perpendicular to the air guide sections.

28. Claim 4: McCormack teaches the ventilation shaft as inserted into the sidewall because the sidewall comprises the ventilation shaft.

29. Claim 5: As best understood, McCormack shows the inlet to the ventilation shaft at the leading edge of the first rib section [4] flush with housing body [13].

30. Claim 6: McCormack anticipates ribs with a light absorbing shaping [column 1, line 28]. Light absorbing shaping is read to mean having a shape that will not allow for light to pass through.

31. Claim 7: McCormack teaches air circulating through the entire lamp with no whirls [column 1, line 10]. Each duct is read to create a "different region" as the claim does not require multiple vents.
32. Claim 8: As best understood McCormack shows this ribs at constant intervals.
33. Claim 9: McCormack anticipates ventilation on both the left and right side of the housing as shown in the figure.
34. Claim 10: Rotating the light unit of McCormack 90 degrees would anticipate the situation where the two sidewalls become the front wall and back wall.

Claim Rejections - 35 USC § 103

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormack as applied to claim 1 in view of Rose (US 2287328).
37. McCormack teaches all limitations of claim 1 as described above. McCormack fails to teach a ventilation shaft on the bottom of the lamp housing. Rose teaching ventilation shaft [40] on the bottom of the lamp housing. Rose further teaches said bottom ventilation shaft [40] having an outlet [41] adjacent to the light source socket [82]. It would have been obvious to one of ordinary skill in the art to add a ventilation shaft to the bottom the lamp housing to further increase the area of cool air intake.

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38. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rose in view of McCormack.

39. Rose teaches a spotlight in particular a stage, studio, film and/or television spotlight, with a light source (83) and a spotlight housing (10-13) that surrounds the light source (83) and consists of a lower, substantially square spotlight housing part (13) and an upper, cylindrical spotlight housing part (10-12) with a translucent covering element (23), a ventilation shaft (40) having separate ventilation ducts being arranged on at least one housing wall (33) of the lower spotlight housing (13), said ventilation ducts being separated from each other by lamellas (42) that, within the ventilation shaft (40), have a first lamella section adjacent to the air inlet openings and a second lamella section that is bent away from the first lamella section and adjacent to the air outlet openings. Rose fails to teach air guide sections extending beyond the air outlet and bent relative to the second rib section. McCormack teaches (see figure above) air guide sections [8 and 6] where part [6] is bent more relative to second rib section [5] and part [8] aligns with section [5]. It would have been obvious for one of ordinary skill in the art to include an extra air guide section to the ventilation ribs in order to further decrease light loss. (McCormack column 1, line 28).

Conclusion

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Parker (US 5172975)

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Bertozzi	(US 4658338)
Naum	(US 4974132)
Brenkert	(US 2101638)
Lim	(US 7140734)
Flint et al	(US 2257232)
Canady	(US 2518282).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. Crowe whose telephone number is 571-272-9088. The examiner can normally be reached on 7:30AM-5:00PM w/first Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on 571-272-9820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David R Crowe
Examiner
Art Unit 2112

DRC


1/5/07
JAYPRAKASH GANDHI
SUPERVISORY PATENT EXAMINER